

Compassionate Use of Medical Marijuana Pilot Program

SB 2865 would protect seriously ill Illinoisans who use medical marijuana with their doctors' recommendations from arrest and imprisonment. SB 2865 passed the Senate Public Health Committee on March 13, 2008 with a 6-4 vote and is now awaiting a vote on the Senate floor, which must take place by January 13, 2009 per legislative rule. This tightly crafted bill draws on the experiences and successes of 13 states that have already passed similar laws and is designed to establish a responsible, compassionate program that offers patients and doctors true legal protection while avoiding potential conflicts with federal law.

Essential Provisions of SB 2865

- The Department of Public Health would administer the program, which has a sunset clause of three years and limits the number of qualifying patients to 1,200. To qualify, patients would need written certification from a doctor to obtain a state-issued medical marijuana identification card, which must be renewed at regular intervals. A \$2.00 card fee would help fund drug education and treatment in Illinois.
- Qualifying conditions: cancer, glaucoma, HIV/AIDS, hepatitis C, ALS (Lou Gehrig's disease), Crohn's disease, agitation from Alzheimer's disease, and nail patella. Doctors may also recommend medical marijuana for cachexia or wasting syndrome, severe pain, severe nausea, seizures (epilepsy), and severe and persistent muscle spasms (multiple sclerosis).
- Qualified patients may possess no more than 7 plants and 2 ounces of useable marijuana. Patients may each designate one "caregiver" to grow their medicine for them. No caregiver may provide medicine to more than one patient and no patient can have more than one caregiver; however, patients would be allowed to obtain medicine from an organization that is properly licensed by the state. The total amount possessed between caregivers and patients cannot exceed the patient's "adequate supply." All medicine must be grown in an enclosed, locked facility.
- "Marijuana organizations" are entities to be licensed by the state. They may possess no more marijuana than exceeds the total of the allowable amounts of marijuana for the registered qualifying patients for whom the organization is listed as a primary caregiver. These organizations must register with the state, operate under state regulations, and are subject to inspection by the state.
- Safeguards prevent patients from undertaking any task under the influence of marijuana when doing so would constitute negligence or professional malpractice; possessing marijuana in a school bus, on school grounds, or in any correctional

facility; consuming marijuana in any public place; and operating any motor vehicle while under the influence of marijuana.

- Insurers need not cover medical marijuana. Employers need not accommodate medical marijuana use in the workplace, nor must they accommodate patients under the influence of marijuana at work.
- Violations of the law under the auspices of Illinois' medical marijuana law carry increased penalties.
- Even if a registered patient has a valid card and is within possession limits, the presumption of compliance may be rebutted by evidence that the patient was not using marijuana for medical purposes.
- AMENDMENTS: adds the word "solely" in several places to make clear that the protections are only afforded to patients acting in accordance with the act and do not protect any other illicit activity; eliminates the requirement that law enforcement pay the market price for marijuana seized from patients and not returned — it will be up to the courts to determine what to do if law enforcement wrongfully seizes or destroys licit medical marijuana; eliminates the provision that the Department of Public Health must give reasonable notice before inspecting medical marijuana organizations; makes clear that the total amount to be possessed between caregivers and patients cannot exceed the patient's "adequate supply"; makes clear that the protections afforded to caregivers do not include consumption of marijuana if the caregiver is not a patient.